

Service Date: November 23, 1988

FINAL ORDER NO. 5902

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

|                                      |   |                   |
|--------------------------------------|---|-------------------|
| In the Matter of the Application of  | ) | DOCKET NO. T-9296 |
| MICHAEL E. & DEBRA DAILEY DBA BENTON | ) |                   |
| STAGE LINE, Fort Benton, Montana     | ) |                   |
| for a Certificate of Public Conven-  | ) | ORDER NO. 5902    |
| ience and Necessity.                 | ) |                   |

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 22, 1988, Michael E. and Debra Dailey dba Benton Stage Line, P.O. Box 232, Fort Benton, Montana 59442, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of passengers, Class B, within the City of Fort Benton, Montana and a fifty (50) mile radius thereof. Limitations: Transportation must originate and terminate in Chouteau County, Montana. The application was noticed to the public on September 7, 1988. On September 9, 1988, Applicant amended the application to additionally include Class B express authority within the scope of Docket T-9296.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public October 4, 1988. That notice said in pertinent part:

If no written protests are received by October 24, 1988, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant. The application included affidavits of support.

3. Protests were filed by Molerway Freight Lines, Inc., Billings, Montana, and Hall Transit Charter Service, Great Falls, Montana. Subsequent to receipt of the protests, Applicant restrictively amended his application. All protests were therefore withdrawn.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity requires a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 21st day of November, 1988, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9296, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of MICHAEL E. AND DEBRA DAILEY DBA BENTON STAGE LINE, Fort Benton, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class B - Passengers and express within the City of Fort Benton, Montana and a fifty (50) mile radius thereof. Limitations: 1. Transportation must originate and terminate in Chouteau County, Montana. 2. Transportation of passengers is limited to twelve (12) passengers or less. 3. Express cargo is limited to fifty (50) pounds or less (per shipment) EXCEPT express cargo transportation within the City of Fort Benton, Montana, is limited to one hundred (100) pounds or less (per shipment).

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service

Commission, IN OPEN SESSION at Helena, Montana, this 21st day of  
November, 1988, by a vote of 4 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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CLYDE JARVIS, Chairman

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HOWARD L. ELLIS, Vice Chairman

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JOHN B. DRISCOLL, Commissioner

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DANNY OBERG, Commissioner

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TOM MONAHAN, Commissioner

ATTEST:

Carol A. Frasier  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.